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# **“Passing through the Mirror”:**

## ***Dead Man*, Legal Pluralism and the**

## **De-territorialization of the West**

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### **Abstract**

The failures of Western law in its encounter with indigenous legal orders have been well documented, but alternative modes of negotiating the encounter remain under-explored in legal scholarship. The present article addresses this lacuna. It proceeds from the premise that the journey towards a different conceptualization of law might be fruitfully re-routed through the affect-laden realm of embodied experience – the experience of watching the subversive anti-western film *Dead Man*. Section II explains and develops a Deleuzian approach to law and film which involves thinking about film as “event.” Section III considers *Dead Man*’s relation to the western genre and its implications for how we think about law’s founding on the frontier. Finally, the article explores the concept of “becoming” through a consideration of the relationship between the onscreen journey of the character Bill Blake and the radical worldview of his poetic namesake.

### **Keywords**

Law and film; affect; Deleuze; Western genre; legal pluralism; imperialism; William Blake

## **I. Introduction: Two Turns**

This article is situated within unfolding debates in legal and constitutional theory, in sympathy with those who have called on legal scholars to endeavor to develop new ways of thinking about law in agonistic and pluralist terms. The demands of an increasingly diverse public articulated through a dizzying array of democratic practices at both the national and international levels would seem to require no less than a robust theory and practice of legal pluralism.<sup>1</sup> Yet, much of our contemporary legal theorizing, bound to the form of the modern state and to a dualist cognitive framework dominated by a disembodied rationality, is ill-suited to this task. In contrast, this paper will argue that the journey towards a different conceptualization of law might be fruitfully re-routed through the affect-laden realm of embodied experience – here the experience of watching a particular film.

Recently, following the insight that sensibilities and cultural forms drive larger political formations, there has been a “turn to affect” in social and political theory.<sup>2</sup> This turn brings with it a related attentiveness to the analysis of a variety of cultural forms, including film. The experience of “watching” a film can mobilize an array of affective responses in us. We are moved by films, often in ways that may belie or betray our cognitive understandings. Films have, then, the capacity to shape our sensibilities, either to align them with dominant formations, or to swerve us toward emergent or alternative possibilities. Or, to use the Deleuzian language, films might function either as de-territorializing or re-territorializing assemblages.<sup>3</sup> To the extent that a film works as a de-territorializing assemblage, it can open up a line of flight towards

multiple possibilities for becoming otherwise, including other ways of becoming legal subjects.

*Dead Man* is one such film. Written and directed by independent American filmmaker Jim Jarmusch, it is nominally a “western” – it is set sometime in the 1870’s, and its action (shot in a richly textured black and white) moves in a westerly direction through a variety of wilderness landscapes that lie between two small settlements, the frontier town of Machine and a Makah village located on the western edge of the Olympic peninsula in Washington State. The minimalist plot of the film is set in motion by the arrival in Machine of a naïve young accountant from Cleveland, William Blake, played by Johnny Depp. Blake soon discovers that the letter of employment which had prompted his journey west was “not worth the paper it was written on,” invoking the western’s classic pre-occupation with the potency of law on the frontier.<sup>4</sup> Blake somewhat accidentally becomes involved in a love triangle involving the film’s only speaking female character, Thel. When Thel is shot by her jilted lover (played by Gabriel Byrne) the bullet passes through her and lodges in Blake’s chest, next to his heart. Blake, who is without his glasses, then shoots, and shoots, and shoots again, eventually killing the character of Byrne, the son of the factory owner [Dickinson] Blake had encountered the previous day. Blake thus becomes an outlaw with a bounty on his head. The remainder of the film traces Blake’s journey to the coast, accompanied by an indigenous character named Nobody (played by Gary Farmer) and pursued by numerous bounty hunters. Almost everything about this film is strange and disorienting – its tone, its settings, the edits, and the remarkable improvised score by Neil Young all work together to dislocate the viewer in both time and space.

*Dead Man* is not an easy film to watch, and its subject matter as well as its visual and aural composition are bleak, yet it is at the same time, visionary, resonant, and powerfully transformative for some viewers.<sup>5</sup> I attribute much of the enduring scholarly interest in this film to the way in which it functions to disrupt or destabilize a number of our familiar, sedimented conceptual formations.<sup>6</sup> It operates through and against the genre of the Western, providing a powerful indictment of the violence and greed of white America, juxtaposed with a carefully researched portrayal of indigenous culture and language.<sup>7</sup>

In my view, *Dead Man* is necessary viewing, not just for legal scholars but for all of us who as legal subjects in North America, must reconcile our juridical presuppositions with those that existed here before us. For, when both the existing legal institutions and the underlying narratives that stabilize and legitimate them are revealed as complicit in the perpetuation of profound historical injustice, as with the settlement of North America and the displacement of its indigenous populations, the need for a different way of thinking law and politics in the west becomes only too evident. And while the enduring role of the Western as a genre which functions to legitimate the “bringing of law” to the frontier is by now well-documented in legal scholarship,<sup>8</sup> the question of what re-considerations of law might follow from these critical insights is a more difficult one. How do we, in essence, re-imagine the encounter between the indigenous populations and the settler society in North America? My suggestion in this article is that *Dead Man*, as a film that leaves the western, and its concerns with law-making and law-breaking, behind to trace a very different sort of westward

journey taken by these two outlaw characters, Nobody and Blake, provides the beginning of a response.

My search for a conceptual language that could capture my intuitive sense of *Dead Man* as not only a powerful tool for critique, but as a text which opens itself to alternative ways of thinking about the encounter between white settler society and indigenous communities in North America, led me to the work of Gilles Deleuze. For Deleuze, the project of philosophy is the creation of concepts – concepts are both creative and critical; as such they can play a role in the process of inventing new possibilities for life.<sup>9</sup>

However, what follows should not be read as an exercise in Deleuzian theorizing, but rather, following Pisters, as an experiment in *working with* Deleuze in the field of law and film.<sup>10</sup> For Pisters, “working with” Deleuze describes a project in which she seeks to demonstrate, through new or unexpected encounters between Deleuze’s “toolbox of concepts, planes and assemblages” (p. 13) and different types of films, from Hollywood to contemporary independent cinema “how some of his ideas can work: What new thoughts become possible? What new emotions can I feel? What new sensations and perceptions can be opened in the body?” (p. 9). My own approach is similarly experimental and explorative, focusing on the uses to which I might put a limited range of Deleuzian inflected concepts, rather than on a formal engagement with his philosophy.<sup>11</sup>

“Event,” “de-territorialization,” and “becoming” are the concepts that I explore in the context of this consideration of Jarmusch’s strangely evocative film, in an effort to

stage a productive interval for thinking differently about modern law. Correspondingly, the argument proceeds in three parts. Section II explains and develops the approach to doing scholarly work at the intersection of law and film that I am taking in this article, one that engages with the film under consideration as an “event.” In Section III, I consider *Dead Man*’s relation to the western genre and its implications for how we think about law’s founding on the frontier. In Section IV, I consider the transformations undergone by the character of Blake, and in particular, explore the relationship between Blake’s journey in the film and the radical worldview of his poetic namesake. In the conclusion, I return to the question of legal pluralism, and consider the extent to which it might be possible for film viewers/legal subjects in North America to “pass through the mirror,”<sup>12</sup> to understand law differently.

## **II. The Film as Event**

I have elsewhere observed that taking an affective approach to thinking about film and its relation to law might also be described as an encounter with the film as an event.<sup>13</sup> Encountering film in this way is distinct from the representational models which tend to predominate in law and film scholarship and in traditional film theory.<sup>14</sup> Those approaches might focus on the narrative of the film, or on its symbolic structure, or in law and film scholarship, on how the law is represented in a given film, and how that representation may or may not correspond to our experience of the law in the “real” world of lawyers, judges and courtrooms rather than the “virtual” world of the film.<sup>15</sup> In contrast, for Deleuze, “both the actual and the virtual are contained on

what Deleuze calls the ‘plane of immanence’. The plane of immanence contains not just filmic images but all images relating to ‘a life’.’’<sup>16</sup>

Thinking about film as an event brings into focus the embodied and temporal dimensions of the experience of watching, hearing, and feeling a particular film as it unfolds in a particular time and place.<sup>17</sup> It redirects our attention towards the components of duration, intensity, and movement – as they are apprehended by the individual.<sup>18</sup> The turn, then, is from the consideration of a film on its own terms to a consideration of what is produced in the interchange between a film and a viewer.

In terms of method, the shift moves one away from an analysis of the narrative or representational structure of the film towards a multi-dimensional engagement with the many ways that films can work on us, affecting our perception, reasoning and judgments in the process.<sup>19</sup> The composition of shots, perspective, camera angles, movement, color, sound and music are all aspects of what might make a particular moving image affect us in certain ways. But, although this approach requires that one attend more closely to these matters of how a film is put together, the primary interest here lies with what Alison Young has described as “the ways in which the cinematic image is written in time, in the body, in sound, tactility and memory....”<sup>20</sup> This redirection serves to remind us that thought is composed in the midst of embodied experience. Moreover, what is produced in this interchange, according to Deleuze, exceeds and confounds our usual representational conceptions of thought as cognition.

Cinema places thinking “en rapport avec un impense, l’inevocable, l’inexplicable,



l'indécidable, l'incommensurable" (*L'image-temps*, 279) (in relation with something outside of thought, the inévitable, the inexplicable, the undecidable, the incommensurable). Such is the cinematographic event in its maximal degree, what Deleuze calls "une mort cérébrale agitée" (an agitated cerebral death) or "un nouveau cerveau qui serait à la fois l'écran, la pellicule et la caméra" (280) (a new brain that would be at once the screen, the film and the camera).<sup>21</sup>

While it is admittedly difficult to fully map the implications of this conception of the cinematographic event, the remainder of this section will attempt a modest illustration of this reorientation specifically in relation to the score of *Dead Man*. If films are experienced, and not simply watched, it follows that a crucial dimension of that experience is auditory – as we might all intuitively realize, sounds and music are crucial to the affect of a film.<sup>22</sup> Moreover, sound works directly on our bodies; it is a wave, a vibration passing through us, setting up other vibrations in its wake.<sup>23</sup> Sound is also most directly linked to the pre-cognitive realm of affect rather than the cognitive realm of representation; sound is what suggests to us that all is not necessarily as it appears: "If the ideology of the visible demands that the spectator understand the image as a truthful representation of reality, the ideology of the audible demands that there exist simultaneously a different truth and another order of reality for the subject to grasp."<sup>24</sup>

In *Dead Man*, the score plays a significant and distinctive role in shaping our affective encounter with the images on the screen. I will argue that it is distinctive in that the score does not simply mirror or represent the images on the screen (or their intended

emotional valence), but rather it unfolds according to its own logic, becoming another dimension or vector of the experience of the film, without directly corresponding to it. The observations of the filmmaker, Jim Jarmusch, on the relations between music and filmmaking illuminate this relation:

Music is always the most inspiring form for me; I just think music is so pure.... And I think that there's a very large part of filmmaking that is very musical because, like a piece of music, a film passes before your eyes and ears in its own rhythm and time. It's not like a painting or a book where you can stop, and read it again, or look at a different part. You have to follow its flow. So, there's a connection in filmmaking to music that's very important to me.<sup>25</sup>

Both Jarmusch's appreciation of music as a distinct, and pure "form," as well as his attentiveness to the temporal dimensions of both film and music; the way they are necessarily experienced as flow, are consonant with the approach to "film as event" that I am seeking to explore in this article. So, too, is the manner in which the score came about. Jarmusch recounted, in another interview, that at the time he was writing *Dead Man*, he was listening to a lot of Neil Young and Crazy Horse. Serendipitously, he met Neil Young during filming in Arizona, and Young eventually agreed to compose the score.<sup>26</sup> It was composed primarily as an extended guitar solo, and it was recorded live to the two and a half hour rough cut of the film, an exercise that, according to Jarmusch, was repeated only two or three times over the course of two days.<sup>27</sup> Neil Young said that watching the rough cut of the film inspired him to think about how silent movies were screened to live music. To record the score, he

had the film projected in his studio on about twenty screens, arranged in a circle, with his instruments in the middle, so that he could watch the film as he played, walking from one instrument to another within the circle as the scenes changed.<sup>28</sup> These accounts reveal an affect-driven improvisational feedback loop between Young and Jarmusch – each of these remarkable compositions come into being through an affinity with the other. The creative affinity between Jarmusch’s images and Young’s sounds helps to illuminate how the “affective encounter” needs to be understood as and in terms of connections and intensities, rather than representation or identities, as much for the creators as for us, the spectators.

Various attempts have been made to describe the improvised minimalist score itself, though its essence is difficult to capture in language. For the most part, it is a simple “modal” melody based on three notes, played on reverberating electric guitar. This theme has been described as “haunting,” and the effect is enhanced as it reappears, with variations, over and over throughout the film. The remainder of the score is performed on acoustic guitar, pump organ and detuned piano. The repetition of the theme is periodically punctuated, or interrupted by what one critic described as “percussive sound effects, jolts and raw sensation.”<sup>29</sup> Another describes “flickering microriffs full of tension and strangeness, glistening golden trails of melody that cut abruptly to a single crunching power chord like the report of a rifle.”<sup>30</sup> It is significant that throughout these variations and their punctuation, the musical theme is never fully resolved. In this way, the music both sutures itself to the film’s affect of dislocation and disorientation, and ventures beyond it. Greil Marcus observes that

the “music, as you listen, separates from the movie even as it frames scenes, banter, recitals. It gets bigger and more abstract, and it becomes hard to understand how any film, showing people doing this or that in specific, non-abstract ways, could hold it.” And later, he notes that this abstraction takes the music into “the realm of the secret—each must hear the music in his or her own way.”<sup>31</sup>

Thinking about a film as an event also implies an irreducible plurality; that is, what is significant is not the film itself, but what is produced through the multiple encounters between this film and its viewers.<sup>32</sup> During a screening, the sound and images in a film are complexly layered over one another in the mind/body of the viewer experiencing the film as something “watched, heard, felt, lived and remembered.”<sup>33</sup> Out of this affective relation, the spectator makes sense of the film; and meaning is created. The experience of the event (watching the film) cannot be reduced to a single meaning, an abstracted singularity; rather it is each viewer’s experience of it that gives rise to a unique, even secret, opportunity to make sense of it.<sup>34</sup>

### **III. De-territorializing the West/ern**

Not all films, or more accurately, all experiences of seeing/hearing/feeling film, contain a political dimension, however. An event, to be political, also needs to encompass an element of surprise.<sup>35</sup> Or, in the Deleuzian terminology, a political event is an action that “counter-actualises”: rather than affirming established meanings, it reveals something new in the world.<sup>36</sup> So, while political events “break into the

world as an ‘infinite improbability,’” political non-events include “anything that is assigned meaning that merely accepts or reinforces established conceptions of the political.”<sup>37</sup> Following this line of analysis, we might observe that most Western films made working within the conventions of the genre would be political non-events, including many “revisionist” westerns, like *Unforgiven*.<sup>38</sup> In contrast, *Dead Man*, while using the genre as a point of departure, launches us unexpectedly into a disorienting journey “through the mirror,” which, as with Alice’s looking-glass, transports us into an entirely different world in which the usual rules do not seem to apply.

Although *Dead Man* is obviously some kind of western, it’s not one of those smart homages to a Hollywood genre (like Sam Raimi’s *The Quick and the Dead*) – it’s more like the ghostly burnt out shell of a Western, commandeered for sullen and obscure purposes.<sup>39</sup>

In this way, *Dead Man* might be understood to work as a de-territorializing assemblage – it pursues a “line of flight” that both interrupts some established patterns of thought and reveals new affinities and connections. De-territorialization is not, here, tied literally to the notion of territory in terms of physical demarcations of land, but is a concept that identifies those formations that undo established or expected ways of thinking and usher in new modes or ways of being.

Going further, one might suggest that there is a way in which *Dead Man* de-territorializes not only the Western genre, but also the “West” understood as a particular political/legal configuration underpinned by a unified historical narrative of the settlement of the frontier. *Dead Man* radically undermines the orderly narrative of the “colonial encounter” in which modern law brings civilization to formerly savage places. By juxtaposing a bleak depiction

of the lawlessness, brutality and savagery endemic to life in the frontier town of Machine at the outset of the film with a detailed portrayal of the orderly decision-making process in a well-established Makah village at its conclusion, Jarmusch “counter-actualizes” the Western’s legal narrative. In between these key framing scenes, the journey of the protagonists in *Dead Man* enacts a series of reversals of the tropes of wilderness and civilization, citizenship and savagery that the laying down of law on the frontier is supposed to hold in place.<sup>40</sup> A slightly different, but sympathetic, reading has argued that *Dead Man*, in its deliberate unsettling of the Western archive, performs “creative archival violence,” not from outside, but *from within* the archive itself.<sup>41</sup> In relation to the western’s legal archive, I would agree. As expected, this film does provide an affirmation of a legal order in its final scenes. Moreover, even as that order is affirmed, it is revealed as under threat from the savagery of the other, lurking just beyond its borders. What is radically different in *Dead Man* is that the threatened legal order depicted in the film is indigenous, rather than western.

*Dead Man* begins conventionally enough, with our protagonist, Bill Blake, taking a journey by rail, across a variety of increasingly wild and desolate landscapes, the steam train indicating that we are likely in the American west, around the late 1800’s. The shifting cast of prospectors, homesteaders, and frontiersmen on the train, also seem to indicate that we are in a familiar western terrain. But, *Dead Man* is shot in a richly textured black and white (including all possible grey tones), “almost as if color wasn’t invented yet.” Jarmusch has stated that this was to distinguish his film from the “same dusty palette” that characterized most modern westerns.<sup>42</sup> He notes also that it

was intended to achieve an experience of de-familiarization for the viewer, by distancing us from the knowledge of objects and locations that we gain from color. The sense of strangeness and dislocation is also in sympathy with that of the main character, “a man who has embarked on a journey that carries him further and further away from anything familiar.”<sup>43</sup>

In both narrative and compositional elements of the film, many of which are established in the opening sequence, this affect of disorientation and dislocation is reinforced. The “ragged guitar riffs” of the score, combined in the opening scene with the diegetic sounds of the train wheels, the swaying motion of the train reflected in the motion of the passengers and a swinging lamp overhead, and a slow sequence of black and white vignettes in which the passengers surrounding the character of Blake become increasingly rough-looking, is deeply disconcerting. Narratively as well, the film quickly departs from convention. Our first indication that something quite different is about to unfold is introduced by a strange visionary monologue from the train fireman (Crispin Glover) that eerily anticipates the final scene of the film in which Blake, near death, is being carried out to sea in a ceremonial canoe;

Look out the window. And doesn't it remind you of when you're in the boat, and then later that night you're lying, looking up at the ceiling, and the water in your head was not dissimilar from the landscape, and you think to yourself, “Why is it that the landscape is moving, but the boat is still?”<sup>44</sup>

Justus Nieland, in his cogent reading of the film that draws both on Derrida's work on the archive, and Deleuze's work on cinema, observes that “the boiler-man's trippy

associative chain troubles any clean distinctions between feeling and experience, affect and event.”<sup>45</sup> In his comment on Blake’s letter of employment, the fireman also prefigures the film’s view of western law: “I wouldn’t trust no words written down on no piece of paper.”<sup>46</sup> Perhaps even more presciently for this reading of the film, the opening exchange between Bill and the fireman is abruptly drowned out by the sound of rifle fire – as all of the men in the train car begin indiscriminately shooting buffalo out the window. The government-sanctioned buffalo slaughter replaces the western mythology of law, progress and economic expansion that the train journey typically represents with a haunting evocation of the massive slaughter of Native Americans that took place during the historical settlement of the West.<sup>47</sup>



**Figure 1.** The Train Fireman enters the Carriage (image courtesy of Photofest, NYC)

As several commentators have already observed, *Dead Man* interrupts almost all of the codes on which the western is based, including that which allocates “civility to



whites and savagery to Indians” in giving us a world peopled by illiterate, cannibalistic, and violent white men, on the one hand, and a literate, humane and self-deprecatingly humorous Indian on the other.<sup>48</sup> But I am arguing here that the work that this film does goes well beyond generic subversion and into another set of directions entirely.<sup>49</sup> It goes beyond western law, for Blake shortly discovers, as the prophetic train engineer predicted, that there is no job waiting for him in Machine. It also moves beyond the frontier, as Blake soon has to flee the town (which we are told is at “the end of the line”) a wanted man. The mis-en-scene in the frontier town of Machine is full of signs and markers of death. As Blake walks down the muddy main street, we see a wall of skulls, men with guns, and a busy coffin-making operation. Blake’s walk through the streets of Machine also provides a visual point of reference that is recalled at the end of the film when, semi-conscious and near death, he is half-carried down the main street of the Makah village by Nobody. In contrast to the frontier town, the village is full of people and signs of life.

The film moves into unfamiliar terrain soon after the scene in which Thel is shot and Blake mortally wounded by Thel’s ex-lover. After Blake uses Thel’s gun to kill Charlie Dickinson, he steals a horse and rides out of town, becoming an outlaw. Blake eventually passes out, and is woken, painfully, by Nobody attempting to extract the bullet from his chest with a knife. This is the point at which the film departs from the western’s fixation with the divide between the lawful and the lawless, and ventures into a whole new set of concerns that might be understood as emanating from a philosophical perspective best described as “immanent naturalism.”<sup>50</sup> Nobody and

Blake, traveling together, are immersed in a different world; a world of presence, as opposed to representation, in which the boundaries between human and animal, nature and culture are less distinct. Their journey is traced through a sequence of vignettes set in a series of strikingly diverse wilderness landscapes, desert followed by mountain, aspen forest replaced by massive Sequoias; the black screens separating the scenes giving no indication of how much time or distance has intervened. As Blake, Nobody, and the bounty hunters on Blake's trail move through these strangely changing landscapes, there is repetition, yet nothing feels familiar. As our linear perceptions of clock time and cartographic space are displaced, the viewing experience becomes not unlike an altered state of consciousness or hallucination.<sup>51</sup> A cyclical, rather than linear, sense of time is reinforced by the way in which the vignettes that comprise each scene are discrete enough that it seems as if their sequence could be shuffled without significantly affecting the film.<sup>52</sup>

So, *Dead Man* not only confounds the Western genre, it interposes a space within it in which other perspectives, notably indigenous worldviews, might be enacted. And although the film is ostensibly about Blake, it is Nobody who gives the film both meaning and direction. Nobody is essential to Blake's journey – both the physical journey, as they travel together to the coast, as well as the psychic journey, the transformations of self-perception that he undergoes along the way. In contrast with Blake, whose blank affect is the most significant aspect of his personality, Nobody is an emotionally variegated and complex character. He is of mixed ancestry, part Blood, part Blackfoot<sup>53</sup> and was kidnapped when very young, caged and put on display. He

ends up in England, where he was sent to a British school and learns to read, leading to his discovery of the poetry of Blake. He eventually escaped and returned to the west, but by virtue of his mixed-blood status and his contamination with white society, he was not accepted back by his communities. He is as lost and disconnected from his own culture as Blake. In the film, he speaks four native languages as well as English (although all the native languages spoken in the film are accurate, they are not subtitled).

When Blake first tells Nobody his name, Nobody reacts intensely – “You are truly a dead man, then” he says. Then, Nobody’s demeanor towards Blake changes, as he has realized that the task before him is to “deliver Blake’s misplaced spirit that has somehow found its way into the physical realm back to the spirit level of the world.”<sup>54</sup> The journey of the remainder of the film is defined by this goal; Nobody tells a weakening Blake, as he paddles him down a river; “We must make sure that you pass back through the mirror at a place where the sea meets the sky.” Their journey ultimately brings them to a Makah village, on the most northwest part of the coast of the continental U.S. (the Olympic Peninsula). The Makah traditionally hunted whales, and are well known for their construction of sea canoes. Nobody speaks the Makah language and knows of their seafaring reputation. He disappears inside the longhouse for a lengthy formal meeting with the Makah elders. Although both Nobody and Blake are strangers, the Makah agree to provide them with a sea canoe and as well as all of the ceremonial trappings necessary for Blake’s journey, including two large twists of tobacco. For a western legal scholar, the hospitality extended by the Makah to Nobody and Blake evokes the right of universal hospitality formulated by Kant, but in exceeding the

juridical requirements of Kant's formulation, it also suggests the possibility of another, more encompassing, conception.<sup>55</sup>



**Figure 2.** Blake and Nobody (image courtesy of Photofest, NYC)

The gift of the tobacco encapsulates the deep connection that emerges between the two men throughout the film. On their very first encounter, and several times thereafter, Nobody asked Blake if he had any tobacco. Blake's answer was always "I don't smoke." In the final scene, Nobody gently places the twists of tobacco on Blake's chest just before pushing him off to sea, then stands up to watch Blake's departure with tears on his face. As Blake is picked up by the current and begins to float away, his final words to Nobody are: "But I don't smoke."

While some commentators might see Nobody's identification of Blake with the English poet as yet another "misrecognition" in a film shot through with mis-firings and misunderstandings,<sup>56</sup> I think the film can be read differently. In this alternative view, Nobody does indeed recognize Blake, both in his role as every-man (or in Nobody's words, "stupid fucking white man"), but also in the complex hybridities of his "becomings," most significantly, his becoming William Blake, the poet. In this reading, Nobody is both the film's visionary and the author of its plot. In their first encounter, Nobody quotes the poetry of William Blake to Bill, who fails to recognize the well-known lines from *Auguries of Innocence*: "Every Night and every Morn/Some to Misery are Born.../ Some are Born to sweet delight/Some are Born to Endless Night." Nobody also warns Blake about his gun; "That weapon will replace your tongue. You will learn to speak through it and your poetry will now be written in blood." Later in the film, when Nobody meets up with Bill, and they are about to go into a trading post in which they will kill several more white men, he quotes Blake again, this time from *Proverbs from Hell*: "Drive your cart and plow over the bones of the dead."

It is Nobody's hybrid worldview, rather than Blake's tabula rasa, that animates and gives shape and direction to the film. Jarmusch said as much when he observed that Nobody's "nonwestern perspective that life is an unending cycle is essential to the story of *Dead Man*."<sup>57</sup> It is its reorientation towards the non-western perspective that makes *Dead Man* both a radically re-visioned and visionary western; a film whose westward "progress" is not determined by the inevitable onward march of law, civilization or

economic development, but rather an indigenous ceremony of return – “passing through the mirror.” In its de-territorializing of the western genre, *Dead Man* traces a line of flight away from the frontier, and from modern law’s preoccupation with the divide between civilized and savage, and towards the possibility of different visions of law embedded within other ways of being in the world.

#### **IV. Blake’s Becomings**

[Becoming] constitutes a zone of proximity and indiscernibility, a no-man’s land, a nonlocalizable relation sweeping up the two distant or contiguous points, carrying one into the proximity of the other.<sup>58</sup>

Although Nobody gives the film its meaning and direction, Blake is the character with whom the viewer is meant to identify. The film traces his journey from its inception in the train ride across the continent to his gradual merging with the leaden grey of the Pacific Ocean at its conclusion. Over the course of this journey, which is also the journey of his life, Blake is transformed in multiple ways. “Contrary to his nature, circumstances transform Blake into a hunted outlaw, a killer, and a man whose physical existence is slowly slipping away. Thrown into a world that is cruel and chaotic, his eyes are opened to the fragility that defines the realm of the living. It is as though he passes through the surface of a mirror and emerges into a previously unknown world that exists on the other side.”<sup>59</sup>

According to Patricia Pisters, “Every becoming is a process and an attempt to think

differently, to see or feel something new in experience by entering into a zone of proximity with somebody or something else.”<sup>60</sup> In this unknown realm, the gentle and naïve young Bill is launched into an accelerated process of becoming. He is transected and transformed by energies and forces in the unfamiliar world he now inhabits; he becomes part of the violent world of action: a wanted man, tracked by bounty hunters, his actions become instinctive. He becomes a “killer of white men,” even if most of those he kills have first tried to kill him. Through his travels with Nobody, he encounters an indigenous worldview and indigenous society, and is marked by Nobody as a native warrior. He is also fully immersed within the natural world, as he travels, sleeps and eats outside. Justus Nieland sums it up as follows:

Blake is a complex stratification of marks: not just the white record of Western violence, he is marked by Nobody as a native warrior, and, by his own hand, with the blood of a slain fawn. Locating Blake both inside the Western cultural archive and inside nature, coding him as variously Indian and white, human and animal, animate and inanimate, Jarmusch transforms his protagonist into a transcendent site of becoming.<sup>61</sup>

While I don’t agree with Nieland about the nature of these becomings (I will argue below that they are reflective of a shift into an “immanent” rather than “transcendent” worldview), I do agree that Jarmusch has given us in Blake’s journey a fascinating meditation on life as becoming. Although a number of becomings can be traced through the film,<sup>62</sup> the trajectory that is of particular interest to the analysis here is his becoming William Blake.

## *I Becoming William Blake*

According to Deleuze, the freedom of becoming happens to “someone who has moved into an alternate universe where things are measured differently, valued differently and generally held together by an entirely fresh set of rules.”<sup>63</sup> Although he had never heard of the poet, and is initially confused by the lines quoted to him by Nobody, Bill Blake eventually opens up to the energies/possibilities presented by the “other” William Blake. In a later scene where he is confronted in his camp by two sheriffs who have come to kill him, one asks, “Are you William Blake?” And he answers, “yes I am, do you know my poetry?” before killing them both. William Blake of Cleveland seems to matter less and less as the film goes on, even as the wanted posters with his image proliferate.

The letting go of his own identity and ego that is part of what happens to Blake on his journey in this film resonates with a passage from Deleuze quoted by Pisters in her concluding chapter:

It’s a strange business, speaking for yourself in your own name, because it doesn’t at all come with seeing yourself as an ego, or a person, or a subject. Individuals find a real name for themselves rather, only through the harshest exercise in depersonalization, by “opening” themselves up to the multiplicities everywhere within them, to the intensities running through them.<sup>64</sup>





**Figure 3.** “Do You Know my Poetry?” (image courtesy of Photofest, NYC)

Rather than disabling and/or distancing him from events in the world, the mortal wound to the heart that Blake receives at the outset of the film (which literally “opens him up”) propel him into a life of action. Meek and bookish in the early scenes, on the run, he is confident, his actions fluid. Through the journey to the coast, as blood slowly seeps out of his chest, (the wound never closes, though Nobody makes an attempt to cauterize it early) it is as if he obtains energy from outside of himself, that is, from “intensities running through him.”

The dark visionary sensibility of the poet William Blake becomes one of the forces or intensities that runs through Blake in the film.<sup>65</sup> The poet Blake, during his lifetime,

might also be described as a “cultural orphan.” His art did not make him wealthy or famous and he rejected most of the prevalent belief systems of his time in favor of developing his own philosophical system.<sup>66</sup> Although Blake frequently experienced visions and is often described as a mystic, his approach was not otherworldly. Blake, for example, thought that Christianity encouraged the suppression of natural desires and discouraged earthly joy.<sup>67</sup> He criticizes “bibles and sacred codes” for being the source of the erroneous belief that man’s existence is somehow divided between body and soul, and that reason, the good, derives from the soul whereas the baser evil energies come from the body. On the positive side, Blake believed that man had no body distinct from the soul, that energy is the only life and comes from the body, and that reason is the outward circumference of this energy.

The Spinozist elements in Blake’s thought illuminate a radically distinctive way of viewing the world that can be understood as disruptive of the basic parameters of “the universal empire” of modernity: “the political culture, the forms of narrative and representation, the modes of subjectivity and temporality, the forms of production and exchanges which it simultaneously presupposes and enables.”<sup>68</sup> Although Blake identified with and to some extent, used the language of the antinomianism of the 1790’s in England, Makasi argues that he distinguishes himself from Paine and others in that his critique extended beyond the state, to both the form of law and of legal subjects.

Whereas much of the radical struggle for liberty in the 1790’s was aimed exclusively at the

apparatuses of the state, Blake's challenge to tyranny requires a social, economic and cultural dimension as well, and recognizes that a struggle for freedom must go beyond the strictly political-representational issues raised in the writings of activists like Paine, to challenge not only the forms of identity taken for granted by Paine, but also the radical faith in the law and competition.<sup>69</sup>

In particular, Blake's conception of the individual differed quite radically from those of his fellow antinomians; for Blake, "all forms of being involve an immanent sharing, an ongoing dynamic re-articulation of the minute particulars making us who we are. It is in this sense that we can be understood to exist in, and as, a dynamic, regenerating network of relations, a unity of minute particulars, some or all of which may at different times be shared with others, rather than static hardened selfhoods, as ever-changing composites rather than a stream of interchangeable monads...."<sup>70</sup> This way of thinking resonates with the Spinozist/Deleuzian notion of "becoming" as a life of affects, connections, and energies. We can understand William Blake, then, both as a radical critic of the representational language of modernity, but also as the creator, through his engraved books, of an alternative "mode of life and being, a culture, that remains inadmissible to modernity and to the history of the possible."<sup>71</sup> And his appeal for Nobody, the displaced, mixed-blood Indian child, becomes recognizable.

Just as Blake himself has mystified generations of critics, however, the Blakean themes running through the film can be misleading for viewers. For example, from the opening exchange with the train fireman, there are repeated references to Hell throughout the film, and the character Blake comes to accept it as his destiny as he also accepts his poetic

namesake. This acceptance is illustrated in his encounter with the missionary, later in the film, who when he is about to be shot, asks God to damn Blake's soul "to the fires of Hell." Blake's response, "he already has," reveals his acceptance of the destiny that had been foretold by the train fireman. Hell, for Blake and the missionary, however, may not mean the same thing. At least, for William Blake the poet (and it would seem the outlaw as well), Hell is a domain of rich creative energies. William Blake was a fierce critic of religious orthodoxy, and in his poem "The Marriage of Heaven and Hell," he mocks the conventional doctrines of a torturing and torturous hell and an empty orderly heaven. The creative inferno is to be preferred to that which society values as cautious and prudent and morally good. In the place of society's false opposition of good and evil, Blake predicts a coming union of heat and light, the marriage of heaven and hell which promises no less than freedom for the creative energy of prophets and visionaries.

Although there are moments when one might be tempted to read it otherwise (the long painful walk through the native town at the end of the film is one instance) I have been arguing in this article that the other side of the mirror reflected in *Dead Man* is not some other, transcendent plane of existence, but rather an exploration of the immediacy of lived experience, the immanent possibilities of life. We can trace this immanent strand through the affective alliance with the poet William Blake, whose belief in the creative possibilities of being animated a worldview that stood apart from the emerging modernity of the society in which he lived and worked.

## V. Conclusion: Immanent Legalities

This article has journeyed through a considerable amount of unfamiliar terrain for most legal scholars; yet it has been propelled by a quest to understand the encounter between modern law as it has come to be understood in the west, and other possible understandings of law, such as those encompassed within the various worldviews of North America's indigenous populations. Modern law is the law of the sovereign – it attributes to the state those transcendent capabilities that had formerly been invested in kings, who themselves were understood as deriving authority from God.<sup>72</sup> As such, it must be all-encompassing; it cannot abide with the possibility that other, equally authoritative legal orders might coexist alongside it. That modern law is necessarily understood as transcendent and hence, all-encompassing, presents the most serious obstacle to the recognition of other, most notably indigenous, legal orders in the west.<sup>73</sup> And although this article has been animated by this concern, I have not sought to further critiques of modern law in the preceding pages. That work has already been done by others. Rather, my question has been: what would it take for us, as modern legal subjects, to “pass through the mirror” and become able to imagine law otherwise?

I have suggested Jim Jarmusch's disturbing film *Dead Man* as a useful instrument for this experiment in thinking law otherwise. As I explain in the first section of the article, attempts to think differently have an important affective dimension. That is, thought is not purely a cognitive process, but rather is embodied, influenced and shaped through experience. The experience of “watching” (hearing, feeling, sensing) a film then, is an event which can have important resonances within our (legal and political) sensibilities –

either reinforcing established belief systems (as the western genre tends to do) or in creating a space for other ways of thinking to emerge. In the second part of the paper, I argue that *Dead Man*, in its possession and radical transformation of the genre of the Western, does the latter. That is, it displaces the Western's fascination with the divides between "civilized" and "savage" and the function of law in stabilizing those boundaries on the frontier. Moreover, in their place, it locates a different conception of law, one that is connected to another worldview – encompassing within it both a cyclical understanding of life and death and a conception of time as duration or becoming, rather than empty homogenous time, the time of capital. The westward journey of *Dead Man* is driven, not by the dictates of progress or economic gain, but by Nobody's quest to enable Blake to "pass through the mirror" on the Pacific. Finally, in tracing Blake's becomings in the film, I argue that we can begin to discern the nature of the process that we might need to undergo in order to be able to imagine law in another way. Through an understanding of becoming as both a "zone of proximity" and an "opening up," we might glean how one could utilize the affective encounter with a film such as *Dead Man* to catalyze the process of thinking law differently. By drawing us into an affective proximity with the thought of the poet William Blake, who resisted modernity at the very moment of its emergence, we are led to a more fulsome appreciation of how it might be possible to imagine alternatives to our own representational understandings of modern law and of ourselves as its subjects.

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## End Notes

1. William Connolly (2005) *Pluralism* (Duke); James Tully (2008) *Public Philosophy in a New Key Vols I and II* (Cambridge). I would include here the ongoing debates on legal pluralism beyond the nation-state, for example Nico Krisch (2009) "The Case for Pluralism in Postnational Law" LSE Law, Society and Economy Working Papers online at: [www.lse.ac.uk/collections/law/wps/wps.htm](http://www.lse.ac.uk/collections/law/wps/wps.htm); Ralf Michaels "Global Legal Pluralism" (2009) 5 *Annual Review of Law and Social Science* 243–262 and Paul Schiff Berman (2009) "The New Legal Pluralism" 5 *Annual Review of Law and Social Science*.
2. Patricia T. Clough (2008) "The Affective Turn: Political Economy, Biomedicine and Bodies," *Theory, Culture and Society* 25:1; Brian Massumi (2002) *Parables for the Virtual: Movement, Affect, Sensation* (Duke); E.K. Sedgwick (2003) *Touching, Feeling: Affect, Pedagogy, Performativity* (Durham, N.C.: Duke UP); William Connolly (2002) *Neuropolitics* (U of Minnesota Press). Examples within legal scholarship include Ruth Buchanan and Rebecca Johnson (2008) "Strange Encounters: Exploring Law and Film in the Affective Register" in A. Sarat ed. 46 *Studies in Law Politics and Society* 33–60 and Alison Young (2010) *Visions of Violence: Crime, Cinema, Affect* (Routledge-Cavendish).
3. See, for example, Patricia Pisters (2003) *The Matrix of Visual Culture: Working With Deleuze in Film Theory* (Stanford) at p. 10: "one possible model for conducting a Deleuzian analysis of cinema (is) by looking at both the specific cinematographic forms of *content* and *expression* of particular images and the *territorializing* and *detrterritorializing* forces that traverse these images." See also Deleuze and Guattari (1987) *A Thousand Plateaus* 508–510.
4. The significance of the Western genre for legal theory is considered in more detail in Buchanan and Johnson, "The *Unforgiven* Sources of International Law: Nation-building, Violence and Gender in the West(ern)," Doris Buss and Ambreena Manji eds *International Law: Modern Feminist Perspectives* (Oxford: Hart Publishing, 2005). Other legal scholars who have considered the genre include Ed Morgan (2006) "The Mild, Mild West: Living by a Code in Canadian Law and Film," *Journal of Law, Culture and Humanities* 155; Austin Sarat, "When Memory Speaks: Remembrance and Revenge in *Unforgiven*" in *Breaking the Cycles of Hatred: Memory, Law and Repair*, Martha Minow ed. (Princeton University Press, 2002) 236; William Ian Miller (1998) "Clint Eastwood and Equity: The Virtues of Revenge and the Shortcomings of Law in Popular Culture" in Sarat and Kearns, eds., *Law in the Domains of Culture* (Michigan University Press); and Cheyney Ryan, "Print the Legend: Violence and Recognition in *The Man Who Shot Liberty Valance*" in J. Denvir, ed., *Legal Realism: Movies as Legal Texts* (Urbana: University of Illinois Press, 1996) 24.
5. *Dead Man* received a mixed reaction, especially from American film critics, on its release in 1996. As Jonathan Rosenbaum noted, "Because it confounds much of our mythology about the western – reversing some of its philosophical presuppositions by associating a westward journey with death rather than rebirth, for example, and with pessimism rather than hope – a fair number of Americans aren't ready for it." "Acid Western" *Chicago Reader* (online at [www.chicagoreader.com/chicago/acid-western/content?oid+890861](http://www.chicagoreader.com/chicago/acid-western/content?oid+890861)) last visited November 29, 2009. However, the film has provoked considerable scholarly attention and debate, both within and beyond film studies. Some examples include Gino Moliterno (2001) "Dead Man," *Senses of Cinema* (online at [http://archive.sensesofcinema.com/contents/cteq/01/14/dead\\_man.html](http://archive.sensesofcinema.com/contents/cteq/01/14/dead_man.html); last accessed December 9, 2009); Rick Curnutte (2002) "Mad Poets:



- William Blake, Jim Jarmusch and *Dead Man*”, *The Film Journal* 1 (May 2002) (online at [www.thefilmjournal.com/issue1/curnuttdeadman.html](http://www.thefilmjournal.com/issue1/curnuttdeadman.html); last accessed December 1, 2009); Jonathan Rosenbaum, *Dead Man* (London: BFT Publishing 2000); Gregg Rickman, “The Western Under Erasure: *Dead Man*” in *The Western Reader*, Jim Kitses and Gregg Richmann (eds.) (New York, Limelight Editions, 1999); Melinda Szaloky, “A Tale N/nobody Can Tell: The Return of a Repressed Western History in Jim Jarmusch’s *Dead Man*” in *Westerns: Films through History*, Janet Walker, ed. (Routledge, 2001); Justus Nieland (2001) “Graphic Violence: Native Americans and the Western Archive in *Dead Man*” *CR: The New Centennial Review* pp. 171–200; Mary Katherine Hall (2001) “Now you are a Killer of White Men: Jim Jarmusch’s ‘Dead Man’ and traditions of revisionism in the western” *Journal of Film and Video* 52:4 3–14; Jens Martin Gurr (2006) “The ‘Native’ Cites Back: Post-Colonial Theory and the Politics of Jim Jarmusch’s Western *Dead Man*” Anglistentag 2006 Halle: Proceedings ed. Sabine Volk-Birke and Julia Lippert TRIER 191–202; Buchanan and Johnson, “Strange Encounters” supra n. 2. See also additional sources cited in Part III, below.
6. Indeed, *Dead Man* is often discussed alongside other films considered “revisionist” or “anti-” westerns (such as *Unforgiven*), although I will argue that the generic subversions that it performs are of a different order entirely. On this issue, my own views are closer to that of Gurr, supra n. 5 than Hall, supra n. 5. For example, Gurr observes that “While a number of subversive strategies have previously been used in deconstructive or anti-Westerns, Jarmusch’s film is arguably more radical than any Western before in using the genre fundamentally to undermine its encoded American ideology.” p. 2.
  7. The film has been praised in particular for the accuracy of the indigenous languages that are spoken and in the re-creation of the Makah village. See generally Rosenbaum, supra n. 5. Gurr (supra n. 5) observes, in the context of a post-colonial reading, that this might be understood as a “strategic” essentialism. (p. 5)
  8. See sources cited at note 4 infra.
  9. Paul Patton (2000) *Deleuze and the Political* (Routledge) at p. 23; see also Deleuze and Guattari (1994) “What is Philosophy?” p. 108 (as quoted in Patton).
  10. Patricia Pisters (2003) *The Matrix of Visual Culture: Working With Deleuze in Film Theory* (Stanford).
  11. Hence, the structure of the argument as well as its tone and style, may not, as Pisters notes, “always be in line with more traditional academic practices.” (p. 9) See also Buchanan and Johnson, supra n.2.
  12. The phrase is a line spoken by the character Nobody in the film, used to describe the passage that Blake needs to undergo in order to return to the world of the dead where Nobody, thinking him to be the spirit of the English poet and engraver, believes he has come from. The mirror can also be understood as a metaphor for the dualist and representational forms of thought which this article seeks to de-center. “Passing through the mirror,” then, is both journey and transformation, not unlike the experience of viewing a powerful film. It might also be understood as that passage whereby the “real” and the reflected/virtual worlds are united. See Pister’s brief discussion of *The Matrix* supra n. 11 at 11–13.
  13. This section draws on and seeks to extend an approach to thinking about Law and Film that has been developed in two previous articles. Johnson and Buchanan, supra n. 2 and Buchanan “Protesting the WTO in Seattle: Transnational Citizen Action, International Law and the Event” (2010) *Events: The Force of International Law* (F. Johns, R. Joyce, S. Pahuja, eds.) (Routledge-Cavendish).

14. Pisters notes "In traditional film theory, the cinematographic apparatus ... conceives the image as a representation that can function as a (distorted or illusionary) mirror for identity construction and subjectivity." *supra* p. 4.
15. Law-film scholarship is a diverse and rapidly growing field which continues to challenge and redefine its own disciplinary boundaries. It has given rise to special issues such as *Studies in Law Politics and Society* (2008) and the "Galactic Jurisprudence" issue *Law, Culture and the Humanities* 3:3 (2007); edited collections, such as Sarat, Douglas and Umphrey (2005) eds. *Law on the Screen* (Stanford). Moran, Loizidou, Christie and Sandon (2004) and monographs such as Alison Young's (2009) *The Scene of Violence* (Routledge-Cavendish); William MacNeil's (2007) *Lex Populi* (Stanford) and Orit Kamir's (2006) *Framed: Women in Law and Film*.
16. Pisters, p. 4.
17. Or, as Gregory Flaxman puts it in his introduction to the edited collection *The Brain is the Screen: Deleuze and the Philosophy of Cinema* (Minnesota 2000); "The cinema provokes us to see, to feel, to sense, and finally to think *differently*, and while this induces Deleuze to write his two volumes (on cinema), those volumes in turn compel us to return to the cinema, to see its images in the light of our own captivity to the rituals of representation, the philosophical-narrative program we have been running." (p. 3)
18. For a discussion of "duration, intensity, movement and the individual" as the distinguishing features of the event in Deleuze, see Tom Conley (2000) "The Film Event: From Interval to Interstice" in Flaxman, *supra* n.17 at p.312-315.
19. For a more detailed exegesis of the "affective" dimensions of scenes from three films (*The Piano, Minority Report and Dead Man*) see Buchanan and Johnson, *supra* n. 2.
20. See generally Young, *supra* n. 15.
21. Conley, *infra* at p. 321.
22. The Deleuzian conception of "affect" cannot be equated with "emotion," but is more closely associated with pre-cognitive "intensities." See Buchanan and Johnson, *supra* n. 2 at p. 39; see also Massumi, *supra* n. 2.
23. Buchanan and Johnson, *supra* n. 6 at p. 42.
24. Doane, M.A. (1985) "Ideology and the practice of sound editing and mixing," in E. Weis and J. Belton eds. *Film Sound: Theory and Practice* New York: Columbia University Press at p. 55.
25. Jim Jarmusch Interview, Dryden House, June 26, 1999 online at [www.dryden.eastmanhouse.org/uncategorized/jim-jarmusch-interview/](http://www.dryden.eastmanhouse.org/uncategorized/jim-jarmusch-interview/) (last visited December 1, 2009).
26. An Interview with Jim Jarmusch by Mili Avital "The Directors Chair Interviews" online at [http://www.industrycentral.net/director\\_interviews/JJ02.htm](http://www.industrycentral.net/director_interviews/JJ02.htm) (last visited December 5, 2009).
27. Jonathan Rosenbaum (1996) "A Gun up your Ass: An Interview with Jim Jarmusch," 22 *Cineaste* 20.
28. Neil Young describes the improvisational process of scoring the film in an interview with Terry Gross on FRESH AIR (25 March 2004).
29. Jonathan Rosenbaum "Acid Western" *supra* n. 5.
30. Simon Reynolds "In the Key of Jarmusch: Ragged Western Riffs" *Film in Focus* May 12, 2009 online at [www.filminfocus.com/article/in\\_the\\_key\\_of\\_jarmusch\\_ragged\\_western\\_riffs](http://www.filminfocus.com/article/in_the_key_of_jarmusch_ragged_western_riffs) (last accessed December 10, 2009).
31. Greil Marcus, "Dead Again" (December 2, 1999) *Salon Magazine* online at [www.salon.com/ent/feature/1999/12/02/deadman/index.html](http://www.salon.com/ent/feature/1999/12/02/deadman/index.html) (last accessed December 1, 2009).
32. Buchanan, *supra* n.13.
33. *Ibid.* at p. 11.

34. Of course, not all viewers may take up this invitation; Roger Ebert observed of *Dead Man* "Jarmusch is getting at something here; but I have no idea what it is."
35. Buchanan, *supra* n.13.
36. Iain MacKenzie (2008) "What is a Political Event?" *Theory and Event* 11:3 p. 7.
37. *Ibid.*,
38. Buchanan and Johnson, *supra* n.3.
39. Adrian Martin quoted in Jonathan Rosenbaum *Dead Man* (London: BFT Publishing 2000) p. 7. See also Gregg Rickman (1999) and Melinda Szaloky (2001), *supra* n. 5.
40. See Peter Fitzpatrick (2001) *Modernism and the Grounds of Law* (Cambridge) esp. ch. 1. See also Buchanan and Johnson, *supra* n. 2.
41. Justus Nieland (2001) "Graphic Violence: Native Americans and the Western Archive in *Dead Man*" *CR: The New Centennial Review* pp. 171–200.
42. Questions answered by Jim Jarmusch about *Dead Man* online at <http://www.nytrash.com/deadman/deadjj.html#1> (last visited December 10, 2009).
43. *Ibid.*
44. Transcribed from the film by the author.
45. *Supra* n. 22. The "boiler man's dreamy rant" is particularly significant for Nieland's analysis of the film, which focuses on the elements of time, memory, and the archive. He notes that it "implies how past and present blur together, experiences transfer over time and space, and memories work as stratified temporalities" and goes on to observe that "*Dead Man* can be understood as an examination – both thematic and formal – of the ethical implications of such time/space confusions for any attempts, including Jarmusch's own, to set historical, cultural or indeed generic records straight." At p.172.
46. Transcribed by the author from the film.
47. In an interview with Jonathan Rosenbaum for *Cineaste*, Jarmusch makes this historical connection more explicit: "I think in 1875 well over a million (buffalo) were shot and the government was very supportive of this being done, because, "No buffalo, no Indians." They were trying to get the railroad through and were having a lot of problems with the Lakota and different tribes. So that's factual. I even have in a book somewhere an etching or engraving of a train passing through the Great Plains with a lot of guys standing upright on the top of cars firing at these herds of buffalo, slaughtering them mindlessly." Later in the same interview he observes: "What was more fascinating to me is that these cultures coexisted only so briefly, and then the industrialized one eliminated the aboriginal culture. Those specific Northwest tribes existed for thousands of years and then they were wiped out in much less than a hundred years. They even used biological warfare, giving them infected blankets and all kinds of stuff – any way to get rid of them. And then they were gone. And it was such an incredibly rich culture." "A Gun up your Ass: Interview with Jim Jarmusch" *supra* n. 27.
48. See sources cited at n. 39, *infra*.
49. In this regard, my reading tracks that of Michael Shapiro, although I am more interested in the way in which the "Indian presence" in the film disrupts Western law, rather than the nation-state: "In its presentation of western types, the film reverses the traditional distinction that allocates civility to whites and savagery to Indians, but more significantly, it reveals the 'insistence of the Indian' the way Indian presence continues to disrupt the American state's representation of itself as a unified cultural nation." Michael J. Shapiro (2004) *Methods and Nations* (Routledge) p. 171.
50. "Immanent naturalism" is the phrase used by political philosopher William Connolly to refer to a philosophical approach that is based on the work of Spinoza, Stuart Hampshire and Gilles

- Deleuze. "It is *naturalistic* in refusing to embrace dualism or supernatural forces. It is *immanent* in identifying protean forces – forces that can disturb the actuality of relatively stable things, beings processes, systems, etc." William Connolly (2006) "Experience and Experiment" *Daedalus* pp. 67–75 at p. 70.
51. Nieland explains this with reference to Deleuzian film theory as "the way the film's episodic structure ... creates a strange temporarily that transcends the 'purely empirical succession of time' so characteristic of a movement-cinema invested in getting the viewer from one image to the next.... Jarmusch uses the journey not to emphasize movement but to explore the time/space of becoming in which the characters exist, and in which 'direct time images' proliferate." *Supra* n. 23 at p. 180. A further consideration of the implications for viewers of altered experiences of time in film is found in William E. Connolly (2005) *Postlude: Belonging to Time*, in which he discusses viewings of *The Maltese Falcon* and *Waking Life*, at p.163.
  52. Jarmusch has observed that "Nobody's non-western perspective that life is an unending cycle is essential to the story of *Dead Man*." Interview with Mili Avital, *supra* n. 26.
  53. In response to a question about his choice of these bands, Jarmusch says, "Well, I wanted to situate him as a Plains Indian, so I chose those two tribes that did intermix at certain points historically but also were at war with each other. So his parents in my mind were like Romeo and Juliet; there was even a reference to that in the original script. "A Gun up your Ass: Interview with Jim Jarmusch" *supra*, n. 27.
  54. As Jarmusch has explained, the character Nobody sees the journey of the film as "a continuing ceremony whose purpose is to deliver Blake back to the spirit level of the world. To him, Blake's spirit has been misplaced and somehow returned to the physical realm." Interview with Jim Jarmusch, *supra* n. 26.
  55. Kant, "Toward Perpetual Peace: A Philosophical Sketch" in *Kant: Political Writings* ed. H. Reiss (1991). But see J. Derrida *On Cosmopolitanism and Forgiveness* (2001). See also R. Buchanan (2003) "Global Civil Society and Cosmopolitan Legality at the WTO: Perpetual Peace or Perpetual Process?" *16 Leiden Journal of International Law* 673–699.
  56. For example, Michael Shapiro, *supra* at pp. 163–171.
  57. Jarmusch interview with Mili Avital, *supra* n. 26.
  58. Deleuze and Guattari, *A Thousand Plateaus* p. 293, quoted in Pisters, n. 39 at p. 106.
  59. Jarmusch interview with Mili Avital, *supra* n. 26.
  60. Patricia Pisters *supra* n. 3 at p. 106.
  61. Nieland, *supra* n. 41 at p. 190.
  62. For example, a key scene in the film in which Blake encounters a dead fawn in a clearing and marks himself with the animal's blood before lying down next to it illuminates his growing sense of affinity and connection with other forms of life; as well as a form of "becoming animal." As Paul Patton observes: "Another kind of becoming other occurs when bodies for a kind of virtual alliance with other bodies or states of being. In relation to human beings as a whole, becomings are by definition, perverse processes which involve a relation to the unnatural or the inhuman. Patton (2000) *Deleuze and the Political* (Routledge) p. 79.
  63. Deleuze quoted in Pisters *supra* n. 3 at p. 107.
  64. Pisters, *supra* n. 3 at p. 221.
  65. Though Jarmusch has observed that William Blake "walked into the script just before I started writing it," as a student of English poetry at Columbia, he can be expected to have understood how the figure of Blake, as both a cultural misfit and a visionary, would fit within the story of the film.

66. For an illuminating overview of William Blake's life and work, see Peter Ackroyd, *Blake* (Verso 1999). For a consideration of Blake as a historical figure and, particularly, his attachments to radical antinomianism, see John Mee, *Dangerous Enthusiasm: William Blake and the Culture of Radicalism in the 1790's* (Oxford 1992) as well as Saree Makdisi (2003) *William Blake and the Impossible History of the 1790's* (University of Chicago Press).
67. Curnutte, *supra* n. 5.
68. Makdisi, *supra* n. 67, p. 10.
69. *Ibid*, p. 8.
70. *Ibid*, p. 319.
71. *Ibid*, p. 315.
72. Fitzpatrick, *supra* n. 36.
73. Bhandar, B (2004) "Anxious Reconciliation(s): unsettling foundations and spatializing history" *Environment and Planning D: Society and Space* 22(6) 831–845.